

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-23 are pending in the present application. No claims have been amended, canceled, or added by the present response.

In the outstanding Office Action, Claims 1-4 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa (U.S. Patent No. 5,862,476), in view of Admission (U.S. Patent Publication No. US 2004/0213193, herein "Longoni")¹; Claims 5-6 and 11-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Longoni, and Onodera et al. (U.S. Patent Application Publication No. US 2002/0052997, herein "Onodera"); Claims 17-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Uebayashi et al. (U.S. Patent Application No. 2002/0075817, herein "Uebayashi") in view of Miyamoto et al. (U.S. Patent Application Publication No. 2002/0002063, herein "Miyamoto"); Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Onodera, and Longoni; and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Onodera, Longoni, and Ishii (U.S. Patent Application Publication No. 2004/0203734).

Regarding the rejection of Claims 1-4 and 7 under 35 U.S.C. § 103(a) as unpatentable over Hasegawa in view of Longoni, the rejection is respectfully traversed for the following reasons.

Briefly recapitulating, independent Claim 1 is directed to a base station which has a control information generating part, a communications part, and a control information control

¹ Applicant notes that the patent application publication 2004/0213193 cited by the outstanding Office Action as Admission is the Longoni reference.

part. The control information control part makes a communication terminal in an area unable to recognize a control information sent by the base station.

Applicant notes that the base station of Claim 1 makes the communication terminal in the area “unable to recognize the control information” sent by the base station.

The outstanding Office Action recognizes in the paragraph bridging pages 3 and 4, that Hasegawa “does not specifically disclose that the control information control part (i.e., shelf control particles) is for making the communication terminal in the area unable to recognize the control information.”

Thus, the outstanding Office Action relies on Longoni for disclosing the feature missing in Hasegawa. More specifically, the outstanding Office Action refers to Longoni as disclosing at “page 1, paragraph 9” the above-noted missing feature.² However, Applicant notes that paragraph [0009] on page 1 of Longoni only states “[u]sers will, for instance, be able to browse the Internet in parallel to voice calls and/or video conferencing.” Thus, Applicant respectfully submits that paragraph [0009] of Longoni does not teach or suggest a mobile station capable of receiving a notification of a call connection-request refusal from a base station as asserted by the outstanding Office Action at page 4, first full paragraph. Further, Applicant respectfully submits that Longoni does not teach or suggest the assertion of the outstanding Office Action noted above.

It appears that the outstanding Office Action refers in error to Admission (Publication No. 2004/0213193, which actually corresponds to Longoni). Thus, Applicant respectfully submits that the outstanding Final Office Action is improper for failing to address all the features of Claim 1, the finality of this Office Action should be withdrawn, and a new Office Action addressing all of the claimed features should be mailed to Applicant.

² See outstanding Office Action, page 4, first full paragraph.

Assuming arguendo that Longoni discloses the teachings stated in the outstanding Office Action at page 4, first full paragraph, Applicant respectfully submits that a communication terminal capable of receiving a notification of a call connection-request refusal from a base station because of a no-vacant channel-for-calling is different from the claimed feature.

More specifically, the base station of Claim 1 makes the communication terminal unable to recognize the control information sent by the base station while the communication terminal asserted by the outstanding Office Action only receives a notification of a call connection-request refusal informing the communication terminal that no channel is available on the base station.

Thus, the communication terminal of Claim 1 is **unable** to receive control information after so instructed by the control information control part while the communication terminal asserted by the outstanding Office Action is **able** to receive control information regarding the availability or not of a communication channel.

Accordingly, Applicant respectfully submits that independent Claim 1 and each of the claims depending therefrom patentably distinguish over Hasegawa and Longoni, either alone or in combination.

Regarding the rejection of Claims 5-6 and 11-16 under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Longoni, and Onodera, that rejection is respectfully traversed for the following reasons.

Regarding Claims 5 and 6, these claims depend from independent Claim 1, which is believed to be allowable as noted above. In addition, Onodera does not cure the deficiencies of Hasegawa and Longoni discussed above regarding Claim 1. Accordingly, it is respectfully submitted that dependent Claims 5 and 6 are also allowable.

Independent Claim 11 is directed to a base station that includes a communication part and a control information control part. The communication part transmits a reception-stop-instruction information generated by the control information control part to a communication terminal.

The outstanding Office Action recognizes in the paragraph bridging pages 11 and 12 that the combination of Hasegawa and Longoni “does not specifically disclose a base station wherein a control information control part for generating reception-stop-instruction information which instructs the communication terminal in the area to stop receiving the control information.”

The outstanding Office Action relies on Onodera for disclosing the above-noted feature missing in Hasegawa and Longoni. More specifically, the outstanding Office Action relies on paragraph [0059] of Onodera for disclosing a control section 1013 shown in Figure 7 of Onodera that directs a call control section 1012 to stop transmitting control signals. However, it is noted that in Onodera the control section 1012 belongs to the base station. On the contrary, Claim 11 recites that the reception-stop-instruction information instructs the communication terminal in the area to stop receiving the control information. In other words, the communication terminal (and not the base station) recited in Claim 11 stops receiving the control information while Onodera teaches that the control section of the base station stops transmitting control signals.

Accordingly, Applicant respectfully submits that independent Claim 11 and each of the claims depending therefrom patentably distinguish over Hasegawa, Longoni, and Onodera, either alone or in combination.

Regarding the rejection of Claims 17-23 under 35 U.S.C. § 103(a) as unpatentable over Uebayashi in view of Miyamoto, that rejection is respectfully traversed for the following reasons.

Independent Claim 17 is directed to a communication system that includes first and second base stations. The first base station generates a notification information when a condition is met and transmits the notification information to the second base station.

The outstanding Office Action recognizes that Uebayashi does not disclose the above-noted feature of Claim 17, but considers that Miyamoto discloses that feature. More specifically, the outstanding Office Action states at page 19, first full paragraph, that a controlling part 57 shown in Figure 20 of Miyamoto cooperates with a first controlling part 63-1 belonging to a first base station 60-1 and with a second controlling part 63-2 that belongs to a second base station 60-2 and based on the cooperation of the first base station transmits information to the first base station.

However, Applicant notes that Figure 20 of Miyamoto shows three different devices, i.e., the first base station 60-1, the second base station 60-2, and a base station controller 50 that includes the controlling part 57, which is independent of the radio base stations 60-1 and 60-2. Further, Miyamoto specifically discloses in paragraph [0038] that “the controlling part 57 allots an [sic] vacant radio channel ... in the wireless zone **60Z-2** corresponding to the new visit-zone ..., and instructs the controlling part **63-2** provided to the radio base station **60-2** to start transmission.” In other words, the radio base station 60-1, although cooperates with the controlling part 57, does not generate a notification information and does not transmit the notification information to the second base station 60-2 as asserted by the outstanding Office Action. Miyamoto uses the base station controller 50 to generate and transmit the information to the second base station 60-2 to start transmitting a control information to a mobile phone when the mobile phone moves from one zone to another zone.

Accordingly, Applicant respectfully submits that independent Claim 17 and each of the claims depending therefrom patentably distinguish over Uebayashi and Miyamoto, either alone or in combination.

Independent Claim 21 is directed to a base station control apparatus that is connected to a plurality of base stations and controls the plurality of base stations. When a specific base station has stopped receiving a setting request for a communication channel, the base station control apparatus detects that the specific base station has stopped receiving the setting request for the communication channel, generates notification information which notifies that the specific base station has stopped receiving the setting request, transmits the generated notification to a base station other than the specific base station, and makes the base station other than the specific base station transmit the generated notification information to the communication terminal in the corresponding management area.

In other words, the base station control apparatus detects when the specific base station has stopped receiving the setting request, and generates and transmits the notification information to the base station other than the specific base station. In addition, the base station control apparatus makes the base station other than the specific base station to transmit the generated notification to the communication terminal in the corresponding management area.

The outstanding Office Action recognizes in the paragraph bridging pages 24 and 25 that Uebayashi does not teach or suggest each feature of independent Claim 21. The outstanding Office Action relies on Miyamoto for disclosing the features missing in Uebayashi. Miyamoto discloses, as already discussed above, a controlling part 57 that allots a vacant radio channel for a mobile station 70 when the mobile station leaves a first zone 60Z-1 and enters a new zone 60Z-2.

However, Applicant respectfully submits that Miyamoto does not teach or suggest that the notification information generated by the claimed base station control apparatus is transmitted to the base other than the specific base to make the base station other than the specific base station transmit the notification information to the communication terminal.

Accordingly, Applicant respectfully submits that independent Claim 21 and each of the claims depending therefrom patentably distinguish over Uebayashi and Miyamoto, either alone or in combination.

Regarding the remaining rejections of dependent Claims 8, 9, and 10, Ishii has been considered but does not overcome the deficiencies of the applied art discussed above. In addition, Claims 8-10 depend directly or indirectly from independent Claim 1, which is believed to be allowable as noted above. Accordingly, it is believed that dependent Claims 8-10 are also allowable.

Consequently, in light of the above discussion and in view of the present, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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